

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

Chattanooga Division

ILE RAY NIX,

) Case No. 1 : 20 - CV - 00224 - TRM - CHS

) (to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

CITY OF CHATTANOOGA, TN, MICHAEL E. JOINER,
LESLIE N. CORBIN, BOBBY J. MOSES, JR., and
MATTHEW E. PUGLISE,

) Jury Trial: (check one) Yes No

FILED

SEP 26 2020

Clerk, U. S. District Court
Eastern District of Tennessee
At Chattanooga

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

SECOND AMENDED COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Ile Ray Nix		
Address	72 Battlefield Circle		
	Ringgold	GA	30736
County	<i>City</i>	<i>State</i>	<i>Zip Code</i>
Telephone Number	(423) 308-9813		
E-Mail Address	raynix77@yahoo.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	City of Chattanooga, TN		
Job or Title (<i>if known</i>)	N/A		
Address	101 E. 11th Street		
	Chattanooga	TN	37406
County	<i>City</i>	<i>State</i>	<i>Zip Code</i>
Telephone Number	(423) 643-7800		
E-Mail Address (<i>if known</i>)	Unknown		
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 2

Name	Michael E. Joiner		
Job or Title (<i>if known</i>)	Officer (sergeant) with Chattanooga Police Department		
Address	3410 Amnicola Highway		
	Chattanooga	TN	37406
County	<i>City</i>	<i>State</i>	<i>Zip Code</i>
Telephone Number	(423) 643-8250		
E-Mail Address (<i>if known</i>)	Unknown		
<input checked="" type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity			

Defendant No. 3

Name	Leslie N. Corbin		
Job or Title (<i>if known</i>)	Officer with Chattanooga Police Department		
Address	3410 Amnicola Highway		
	Chattanooga	TN	37406
County	Hamilton		
Telephone Number	(423) 643-8250		
E-Mail Address (<i>if known</i>)	Unknown		

Individual capacity Official capacity

Defendant No. 4

Name	Bobby J. Moses, Jr.		
Job or Title (<i>if known</i>)	Officer with Chattanooga Police Department		
Address	3410 Amnicola Highway		
	Ooltewah	TN	37402
County	Hamilton		
Telephone Number	(423) 643-8250		
E-Mail Address (<i>if known</i>)	Unknown		

Individual capacity Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

Federal officials (a *Bivens* claim)
 State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

The First Amendment to the United States Constitution. The Fourth Amendment to the United States Constitution. The Fourteenth Amendment to the United States Constitution to the extent that it applies the First and Fourth Amendments of the United States Constitution to the States.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

At all relevant times, Defendants Joiner, Corbin, Moses, and Puglise were acting allegedly pursuant to state laws and/or municipal ordinances and in their capacity as on-duty uniformed police officers for the Chattanooga Police Department, a department of Defendant the City of Chattanooga, TN.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

The incident on 10/03/2019 occurred at Bessie Smith Cultural Center, 200 E ML King Boulevard, Chattanooga, Hamilton County, TN 37403. The incident on 10/06/2019 occurred at the corner of Broad Street and Aquarium Way, Chattanooga, Hamilton County, TN.

B. What date and approximate time did the events giving rise to your claim(s) occur?

The incident on 10/03/2019 occurred at approximately 7:30 p.m. est. The incident on 10/06/2019 occurred at approximately 12:00 p.m. est.

C. What are the facts underlying your claim(s)? (*For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

10/03/2019 Incident - I was standing on a public sidewalk sharing my religious beliefs near an LGBTQ event. I was holding a sign and using my voice as well as occasionally a megaphone to share God's Word on various things as He led me, including sexual orientation. I was not threatening anyone or behaving aggressively. Someone from the event complained to the Chattanooga Police Department about me. Defendants Corbin and Moses responded to the area. They observed me from a distance for several minutes and eventually approached me expressing personal disapproval of my message. Defendant Joiner arrived to the area and asked that I walk away with him to talk. I offered to speak with him where I was. Defendant Joiner grabbed my sign and shook it. I was surprised by his behavior so I asked what he was doing and what law I was breaking. As I was asking, Defendant Joiner grabbed me and placed me in handcuffs. Defendant Joiner arrested me and charged me with disorderly conduct under Tenn. Code Ann. § 39-17-305. Defendants Corbin and Moses observed all of the events and assisted with the unlawful arrest. **Continued on attached additional page.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I was not physically injured.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I want \$45,000 in damages for emotional distress and lost wages. I want compensation for my time and costs expended in pursuing this lawsuit, which are ongoing and yet to be determined. I want punitive damages in an amount determined by a jury. Lastly, I want a letter from the City of Chattanooga (or its legal counsel) stating my rights with regard to sharing my faith in public areas within their jurisdiction to avoid further incidents in the future.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 09/22/2020

Signature of Plaintiff



Printed Name of Plaintiff

Ile Ray Nix

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

AMENDED COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
****ADDITIONAL PAGES****

I The Parties to This Complaint

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B. The Defendant(s)

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Defendant No. 5

Name	<u>Matthew E. Puglise</u>		
Job or Title (<i>if known</i>)	<u>Officer with Chattanooga Police Department</u>		
Address	<u>3410 Amnicola Highway</u>		
	<u>Chattanooga</u>	<u>TN</u>	<u>37406</u>
County	<u>Hamilton</u>	<u>City</u>	<u>State</u>
Telephone No.	<u>(423) 643-8250</u>		
Email Address (<i>if known</i>)	<u>Unknown</u>		

Individual capacity Official capacity

...

III. Statement of Claim

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C. What are the facts underlying your claim(s)? (*For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

Continued . . .

The entire incident was captured by me on video. The charge against me was subsequently dismissed on motion by the State of Tennessee. The police used their authority and Tenn. Code Ann. § 39-17-305 as pretext to suppress my freedom of speech rights guaranteed by the First Amendment to the United States Constitution because they and/or others did not like the content of my message. The police did not have probable cause to arrest me and the arrest violated my rights against unreasonable seizure as guaranteed by the Fourth Amendment to the United States Constitution.

10/06/2019 Incident - I was standing on a public sidewalk sharing my religious beliefs during a gay-pride parade. I was holding a sign and using megaphone to

share God's Word on various things as He led me, including sexual orientation. I was using a megaphone because it was the only practical way to be heard. My wife, Vicki Nix, was with me. I was not threatening anyone or behaving aggressively. Three Chattanooga Police Department officers arrived in the area. Defendant Puglise approached me and said that I could not use a megaphone without a permit. I asked if that was a new law and he said no. I asked him to show me the law. He read me section 25-69 of the City Code. I explained how the ordinance did not apply under the circumstances. Defendant Puglise ignored me and threatened to arrest me if I continued to use my megaphone. My wife observed the incident as well as two Chattanooga Police Department officers whose names I do not know. The entire incident was captured by me on video. The police used their authority, the threat of arrest, and section 25-69 of the City Code as pretext to suppress my freedom of speech rights guaranteed by the First Amendment to the United States Constitution because they and/or others did not like the content of my message.